

**FILED**

DEC 10 2019

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

U.S. CLERK'S OFFICE  
INDIANAPOLIS, INDIANA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS PETTUS,

Defendant.

Cause No. 1:19-cr-

1 : 19 -cr- 0389 JMS -DLP

**INDICTMENT**

The Grand Jury charges that:

**GENERAL ALLEGATIONS FOR ALL COUNTS**

At times material to these charges:

**Definitions**

1. The term "minor" was defined as any person under the age of eighteen years. 18 U.S.C. § 2256(1).
2. The term "sexually explicit conduct" was defined as actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person. 18 U.S.C. § 2256(2)(A)(i-v).
3. The term "visual depiction" was defined to include the undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format. 18 U.S.C. § 2256(5).

4. The term “computer” was defined as an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device. 18 U.S.C. § 1030(e)(1).

5. Instagram is an online social media messaging application and platform. Communications through Instagram and text messaging used facilities of interstate or foreign commerce, and were in or affecting such commerce.

**Defendant MARCUS PETTUS**

6. The Defendant MARCUS PETTUS (“PETTUS”) was a resident of Texas. PETTUS used Instagram under the pseudonym “youda1fool” from on or about November 23, 2018 through at least on or about December 14, 2018. PETTUS also used text messaging.

**MINOR VICTIM #1**

7. Minor Victim #1 is a pseudonym of 14-year-old minor child, who resided in the Southern District of Indiana.

8. In early December 2018, the Defendant, using the pseudonym “youda1fool”, followed MINOR VICTIM #1 on Instagram. The Defendant purported to be a 15-year-old boy, and sent MINOR VICTIM #1 a purported selfie photograph of a boy with blond hair and a photograph of the Defendant’s penis.

9. On or about December 12, 2018, the Defendant directed MINOR VICTIM #1 to send him sexually explicit photographs and videos of herself, including photographs and videos of MINOR VICTIM #1 masturbating, which MINOR VICTIM #1 complied that same day.

10. The Defendant sent MINOR VICTIM #1 images of nude women and directed MINOR VICTIM #1 to send him photographs of her posed the same way. The Defendant also directed MINOR VICTIM #1 to put her hair in pigtails when taking photographs for him.

11. The Defendant further directed MINOR VICTIM #1 to send him files of her choking herself by tying her underwear around her neck and a doorknob, which MINOR VICTIM #1 complied (File 4).

12. During the time period of their communications, MINOR VICTIM #1 sent the Defendant approximately fifty photograph and video files via Instagram and text messaging, including visual depictions of minors engaging in sexually explicit conduct.

**COUNTS 1-4**

**18 U.S.C. §§ 2251(a) and (e)  
(Sexual Exploitation of a Minor, Minor Victim #1)**

13. Between in or about December 2018 and on or about December 14, 2018, as charged in each separate Count below, in Hamilton County, within the Southern District of Indiana and elsewhere,

**MARCUS PETTUS,**

the Defendant herein, did use, persuade, induce, entice, and coerce MINOR VICTIM #1, a minor, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and attempted to do so, knowing or having reason to know that such visual depiction would be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, or such visual depiction was produced or transmitted using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or such visual depiction was actually transported or transmitted using any means or facility of interstate or

foreign commerce or mailed or in or affecting interstate or foreign commerce or mailed, to include the following files that MINOR VICTIM #1 sent to PETTUS over the Internet via Instagram and text messaging:

Count	File	File Creation Date	Description
1	File 1	12/12/18	A video file depicting Minor Victim #1 nude and her uncovered genitals are visible. Minor Victim #1 fondles her breasts while looking at the camera.
2	File 2	12/12/18	A video file approximately 3 seconds in length depicting Minor Victim #1 fondling her uncovered genitals.
3	File 3	12/12/18	A video file approximately 9 seconds in length depicting Minor Victim #1 digitally penetrating her uncovered genitals.
4	File 4	12/12/18	A video file approximately 6 seconds in length depicting Minor Victim #1 choking herself with her underwear, one end of which was tied around her doorknob. Minor Victim #1's uncovered breasts are visible.

Each separate Count of which is a violation of Title 18, United States Code, Sections 2251(a) and (e).

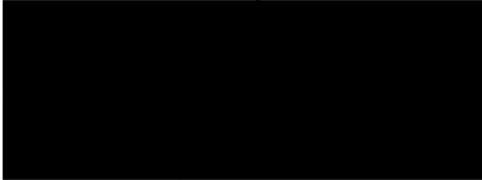
#### **FORFEITURE ALLEGATION**

14. The allegations in this Indictment are re-alleged as if fully set forth herein, for the purpose of alleging forfeiture, pursuant to Title 18, United States Code, Section 2253.

15. In accordance with 18 U.S.C. § 2253 and Rules 7(c)(2) and 32.2(a) of the Federal Rules of Criminal Procedure and premised upon the conviction of the Defendant for a violation of Chapter 110, Title 18, United States Code, Sections 2251 as set forth in Counts 1 through 4 of this Indictment, the Defendant herein, shall forfeit to the United States any property, real or personal, used or intended to be used to commit or to promote the commission of the offense set

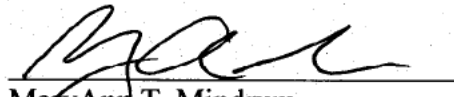
forth in the Indictment of which he is convicted. Such property includes, but is not limited to, the computers, cellular phones, storage devices, and the items found in his possession on or about September 4, 2019.

A TRUE BILL:



JOSH MINKLER  
UNITED STATES ATTORNEY

by:

  
MaryAnn T. Mindrum  
Assistant United States Attorney